

REMARKS

Claim 2 is pending in this application. Claims 1 and 3-18 are cancelled because they are drawn to a non-elected invention, but Applicants reserve their rights under 35 U.S.C. § 121 to file a divisional application with these claims prior to the issuance of a patent to the original application. Claim 2 is also cancelled without prejudice and without acquiescence and new claims 19 -26 are added. Support for the claims 19-26 can be found in the Specification on page 8, lines 7-8 and Fig. 5, and on page 13, lines 3-4 and Fig. 25, page 15, lines 4-17, page 16, lines 7-17, page 17, lines 1-25, page 24, lines 8-16. Applicants assert that no new matter has been added.

The issues outstanding in this application are as follows:

- The Examiner objects to the disclosure at pages 12, 33, 43 and 45 for containing polynucleotide and polypeptide sequences that have not been identified by a sequence identifier (SEQ ID NO:) and for containing an embedded hyperlink and/or other form of browser executable code.
- Claim 2 has been rejected under 35 U.S.C. § 112 first paragraph as lacking adequate written description.
- Claim 2 has been rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to point out and distinctly claim the subject matter claimed as the invention.

I. Specification objection

The specification has been amended and contains no informalities. No new matter has been added.

Applicants also attach hereto substitute "Sequence Listing" sheets, a statement indicating support for the amendment in the application as filed, and a statement that the substitute sheets contain no new matter pursuant to 37 CFR 1.825(a). The amended paper copy of the "Sequence Listing" is accompanied by a substitute copy of the computer-readable form of all previously submitted data with the amendment incorporated therein, accompanied by a statement that the copy in computer readable form is the same as the substitute copy of the "Sequence Listing" as required under 37 CFR 1.825(b). Nucleotide and amino acid sequences represented by new sequence identifiers conform to the format specified in 37 CFR 1.821.

II. Claim 2 is withdrawn for lacking adequate written description.

The Examiner has rejected Claim 2 for lacking adequate written description. The Examiner asserts that the polynucleotide sequence set forth in Fig. 1 does not correlate to the polynucleotide sequence identified by (SEQ ID NO:16). The Applicants respectfully traverse.

However, in order to expedite the prosecution of the present patent application and in order to clarify the scope of the claims, Applicants have removed claim 2 and added claims 19 and 20. Claim 19 is drawn to the mouse O1-236 cDNA sequence set forth in Fig. 5 (SEQ ID NO:5) encoding the mouse homologue of the Xnmp2 protein. Claim 20 is drawn to the human O1-236 cDNA set forth in Fig. 25 (SEQ ID NO:16) encoding the human homologue of the Xnmp2 protein. Claims 19-26 are supported by the Specification on page 8, lines 7-8 and Fig. 5, and on page 13, lines 3-4 and Fig. 25, page 15, lines 4-17, page 16, lines 7-17, page 17, lines 1-25, page 24, lines 8-16 and do not contain new matter.

In light of this amendment, Applicants respectfully request that the rejection be withdrawn.

III. Claim 2 is withdrawn for being indefinite.

The Examiner has rejected Claim 2 as being indefinite. The Examiner asserts that the polynucleotide sequence set forth in Fig. 1 is not identical to the polynucleotide sequence identified by (SEQ ID NO:16). The Applicants respectfully traverse.

However, in order to expedite the prosecution of the present patent application, Applicants have removed claim 2 and added claims 19-20. Claims 19 is drawn to the mouse O1-236 cDNA sequence set forth in Fig. 5 (SEQ ID NO:5) encoding the mouse homologue of the Xnpm2 protein. Claim 20 is drawn to the human O1-236 cDNA set forth in Fig. 25 (SEQ ID NO:16) encoding the human homologue of the Xnpm2 protein. Claims 19-26 are supported by the Specification on page 8, lines 7-8 and Fig. 5, and on page 13, lines 3-4 and Fig. 25, page 15, lines 4-17, page 16, lines 7-17, page 17, lines 1-25, page 24, lines 8-16 and do not contain new matter.

In light of this amendment, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

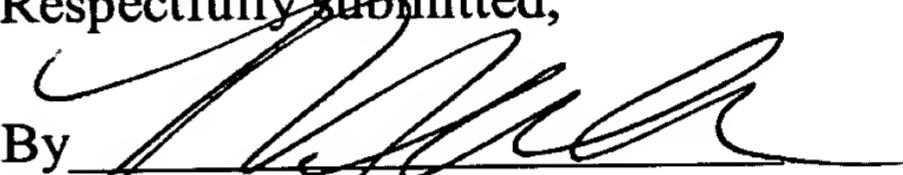
In view of the above, each of the new claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 09807797 from which the undersigned is authorized to draw.

Dated: May 16, 2002

Respectfully submitted,

By


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